



ST. LOUIS COUNTY PLANNING COMMISSION STAFF REPORT

INSPECTION DATE: 6-22-22

REPORT DATE: 6-27-22

MEETING DATE: 7-14-22

APPLICANT INFORMATION

APPLICANT NAME: Chad Bruckelmyer/North Shore Properties

APPLICANT ADDRESS: 4527 E bay View Ln. Duluth, MN 55803

OWNER NAME: Northshore Properties, LLC

SITE ADDRESS: 4892 Midway Rd. Duluth, MN 55811

LEGAL DESCRIPTION: S 6 RODS OF N 24 RODS OF W 12 RODS OF NW ¼ OF NW ¼ S32, T51N, R15W (Canosia)

PARCEL IDENTIFICATION NUMBER (PIN): 280-0030-00502

NATURE OF REQUEST: A conditional use permit for a commercial rental dwelling as a Commercial, Retail, and Service Establishments Use-Class II.

PROPOSAL DETAILS: The applicant is requesting approval to operate a commercial rental dwelling unit at the site address that is similar in nature to a short-term rental but would be primarily used as a rental with little to no personal or private use of the property. The applicant is planning to have the property available to be rented 365 days per year. The property would only be used for private use or would sit unused if it is not rented at any given time.

Since this is primarily a rental, the use is considered a Commercial, Retail, and Service Establishments Use-Class II. Although this proposed use may be similar in nature to a short-term rental, it is more similar to a bed and breakfast or a hotel/motel; which are also commercial uses.

PARCEL AND SITE INFORMATION

ROAD ACCESS NAME/NUMBER: Midway Rd.

ROAD FUNCTIONAL CLASS: Arterial

LAKE NAME: N/A

LAKE CLASSIFICATION: N/A

RIVER NAME: N/A

RIVER CLASSIFICATION: N/A

DESCRIPTION OF DEVELOPMENT ON PARCEL: Development on the property consists of a dwelling and one accessory structure (garage). A second garage on the property has recently been removed.

ZONE DISTRICT: SMU 11

PARCEL ACREAGE: 0.45 Acres

LOT WIDTH: 99 Feet

FEET OF ROAD FRONTAGE: 99 Feet

FEET OF SHORELINE FRONTAGE: 0 Feet

PARCEL AND SITE INFORMATION

VEGETATIVE COVER/SCREENING: There is little vegetative screening of the property from the road. There is good screening to the east from the Pike Lake Elementary School.

TOPOGRAPHY: The property is flat.

FLOODPLAIN ISSUES: The property appears to be located outside of any floodplain area.

WETLAND ISSUES: There does not appear to be wetland issues on the property.

ADDITIONAL COMMENTS ON PARCEL: The property is on the Pike Lake Area Wastewater Collection System.

FACTS AND FINDINGS

A. Plans and Official Controls:

1. St. Louis County Zoning Ordinance 62, Section 6.32 states that if a property is used primarily for rental purposes, then it shall be deemed a Commercial Use-Class II and subject to ordinance requirements regarding commercial use.
2. The transient nature and frequency of the rental at the site may be more similar to a bed and breakfast or a hotel/motel use than a residential use.
 - a. These uses are commercial uses.
3. Ordinance 62, article V, Section 5.6 states that a Commercial, Retail and Service Establishments Use-Class II is an allowed in this zone district with a Conditional Use Permit.
4. Objective ED-2.1 of the St. Louis County Comprehensive Land Use Plan is to recognize and ensure regulatory fairness across a thriving lodging industry that includes hotels, bed and breakfasts, and vacation rentals.

B. Neighborhood Compatibility:

1. The zone district in this area in this area is an SMU-11 zone district.
2. This zone district is one of the least restrictive zone districts for lot dimensional standards.
 - a. Even though this district is less restrictive, the size of the parcel is nonconforming at 0.45 acres where 0.5 is required.
3. The property is located just over 700 feet from the east shoreline of Pike Lake.
4. Much of this area consists of residential development, however, there are other types of uses in the area.
 - a. The Pike Lake Golf and Beach property is located across Midway Road from the subject property.
 - i. This use consists of a residential planned development, a commercial bar/restaurant use, and a golf course.
 - a. The Pike Lake Elementary School is located adjacent to the property to the east.
 - i. This use is classified as a Public/Semi-Public use.
 - b. The Canosia Town Hall is located on the adjacent parcel to the north.
5. The property is located approximately $\frac{3}{4}$ of a mile from the intersection of Midway Road and Highway 53.
 - a. This intersection area is zoned Commercial and has a variety of different types of uses.

C. Orderly Development:

1. The area is highly developed with little growth anticipated in the future.
2. The Pike Lake Golf and Beach property is currently in the process of developing their property with additional residential development.
 - a. This request was heard and approved in May of 2020.
3. The proposed use requires a conditional use permit but would be similar in nature to other short-term rental uses.
 - b. The main difference compared to many short-term rentals would be the frequency of rental.
 - c. There is opportunity for other similar uses in the area due to the zoning.

D. Desired Pattern of Development:

1. The existing pattern of development includes a variety of uses.
2. Because this area is zoned Shoreland Multiple Use, a variety of futures uses would be allowed and encouraged where appropriate in the area.
 - a. These uses could include other commercial uses, residential uses, commercial planned developments/resorts, etc.

E. Other Factor(s):

1. The property appears to have been created and developed in the early 1950s.
2. The property is located on the Pike Lake Area Wastewater Collection System (PLAWCS)
 - a. PLAWCS has signed off on the proposal to operate the rental on the site.
3. The application indicates that there are two bedrooms on the site and the requested occupancy is six people.
 - a. The occupancy of a short-term rental is typically limited to two people per each bedroom that a septic system is designed for.
 - b. PLAWCS may allow additional capacity, based on their system, but the occupancy may be limited by the Minnesota Department of Health as well.
4. Although this is technically not a short-term rental, some of the short-term rental standards and conditions, including the occupancy standards, may be appropriate.

See attachments: 1. Zoning/location map 2. Air photo 3. Site sketch 4. Project picture (if applicable) 5. Other pertinent pictures or maps

PLANNING COMMISSION CRITERIA FOR APPROVAL OF A CONDITIONAL USE PERMIT

1. Does the use conform to the land use plan?
2. Is the use compatible with the existing neighborhood?
3. Will the use impede the normal and orderly development and improvement of the surrounding area?
4. Is the location and character of the proposed use considered consistent with a desirable pattern of development?
5. What, if any, other factors should be taken into consideration on this case?

RECOMMENDED CONDITIONS, IF APPROVED

If the Planning Commission determines that the proposal meets the criteria for granting a conditional use permit for a commercial rental dwelling as a Commercial, Retail and Service Establishments Use-Class II, the following conditions shall apply:

1. The permittee/owner/operator shall post within the rental unit the rules and regulations and emergency contact information for police, fire, hospital, septic tank pumper, and permittee/owner/operator.
2. The permittee/owner/operator shall provide the St. Louis County Planning and Community Development Director with current contact information for person(s) responsible for property management.
3. The permittee/owner/operator shall provide a visual demarcation of the property lines.
4. All local, state and federal requirements shall be followed for taxing, licensing, permitting and other applicable requirements.
5. General liability insurance covering the property, including its use as a commercial rental dwelling, shall be maintained in an amount consistent with St. Louis County Board coverage requirements; a copy of the insurance policy shall be provided to and on file with the County.
6. The permittee/owner/operator shall obtain and maintain an applicable Minnesota Department of Health Lodging License and other applicable licenses. Copy of current license(s) shall be provided to and on file with the County prior to issuance of permit by the County. Applicable licenses shall be posted in a prominent location within the dwelling unit(s).
7. A Minnesota tax identification number and other applicable identification numbers must be provided to the St. Louis County Planning and Community Development Director prior to issuance of permit.
8. Disposal of solid waste must comply with St. Louis County Solid Waste Ordinance 45, or its successor or replacement.
9. The site shall provide on-site parking sufficient to accommodate the occupants of the rental dwelling unit.
10. No person shall, for the purpose of camping, lodging, or residing therein, leave or park a vehicle or motor vehicle on or within the limits of any road or on any road right-of-way.
11. All other local, county, state and federal regulations shall be met.



CUP Worksheet Rev. 12-2021



Conditional Use Permit (CUP)

WORKSHEET St. Louis County, Minnesota

About: Land Use Permits are required for most building construction activities. They are also required for a variety of other uses. For more information, check out our website at: www.stlouiscountymn.gov/land-use

WHAT ARE YOU APPLYING FOR *Check all that apply to the project.* PLEASE MAKE CHECKS TO: ST. LOUIS COUNTY AUDITOR

#1 New Buildings Less than/equal to 1,200 square feet-\$165 Greater than 1,200 square feet-\$325

☐ Dwelling-Home, Mobile Home, Hunting Shack, or Cabin. (Includes attached deck, if applicable.)

☐ Replacement of Existing Dwelling-Home, Mobile Home, Hunting Shack, or Cabin.
Will the old dwelling be removed from the property? ☐ Yes ☐ No

If yes, an affidavit must be filled out stating when the old dwelling will be removed.

If this dwelling is a mobile home, there is a special mobile home affidavit to be filled out.

☐ Accessory Dwelling-Guest cottage or bunkhouse. Must follow administrative standards.

☐ Accessory Structure- Garage, Pole Building, shed, sauna, screenhouse or gazebo that either meets lake or river setback or not located in a shoreland area.

☐ Water-oriented Accessory Structure-Boathouse, Sauna, Screenhouse/gazebo on a lake or river located at reduced shoreline setback. Must follow administrative standards.

☐ Commercial Structure

☐ Other Principal Structure

#2 Other Construction/Change in Use-\$85

☐ Addition(s) to Dwelling

Is the dwelling location on a lake or river? ☐ Yes ☐ No
If Yes above, does the structure meet the required shoreline setback? ☐ Yes ☐ No If No, structure does not meet the shoreline setback, a performance standard permit or variance may be required. See box #4 or #7.

☐ Addition(s) to Accessory Structure
☐ New Deck Only or Deck Replacement
☐ Combination Addition(s) & Deck on the same structure
☐ Moving a Structure
☐ Sign
☐ Structure Alteration or Component Replacement
☐ Change in Use (i.e. converting an old cabin to storage)

What will the new use of the structure be?
Explain the current and proposed use.
Current: _____ Proposed: _____

Other-\$60

☐ Permit extension beyond 2 years

#3 Subdivisions/Parcel Reviews Additional Worksheets Required

☐ Plat-Minor Subdivision-\$650
☐ Conventional or Conservation Plat-Less than or equal to 3 lots-\$650
☐ Conventional or Conservation Plat-Greater than 3 Lots-\$1,300
☐ Lot Line Adjustment-\$85
☐ Parcel Review-\$85
☐ Performance Standard Subdivision-\$385

#4 Performance Standard-\$385 Additional Worksheets Required

☐ Borrow/Gravel Pit
☐ Home Business
☐ Land Alteration
☐ Nonconforming Structure Replacement
☐ Addition to a structure that does not meet shoreline setback
☐ Other

#5 Site Evaluation Site Visit/Evaluation-\$165

#6 Wetland Reviews Additional Worksheets Required

☐ No Loss/Exemption/Replacement Plan-\$165
☐ Wetland Delineation Review-\$385
☐ Wetland Banking Plan Review-\$1,140

#7 Public Hearings Additional Worksheets Required

☐ Administrative Appeal-\$1,275
☐ Environmental Assessment-\$1,140
☒ Conditional Use Permit-\$650
☐ Conditional Use Permit Rehearing-\$210
☐ Interim Use Permit-\$650
☐ Interim Use Permit Rehearing-\$210
☐ General Purpose Borrow Pit-\$650
☐ Variance-\$650
☐ Variance Rehearing-\$210
☐ Multiple Hearing (Variance/conditional use)- \$980
☐ Rezoning-\$650

TYPE OF PROPOSED STRUCTURES *Check all that apply to the project.*

<input type="checkbox"/> New Structure(s)	*Structure Type (Same as box #1 or 2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
<input type="checkbox"/> Structure Additions	*Structure Type (Same as box #2 above)	*Foundation Type (Basement, Slab, Pier, etc)	*Maximum Length (Exterior Footprint Only)	*Maximum Width (Exterior Footprint Only)	*Maximum Sq. ft (Exterior footprint only)	*Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet

*Indicates required field. Incomplete applications will be returned.

CONTACT: Planning and Community Development Department

Technical Assistance

Toll Free: 1-800-450-9777

Land Use Information

www.stlouiscountymn.gov/land-use

Duluth

Government Services Center
320 West 2nd Street, Suite 301
Duluth, MN 55802
(218) 725-5000

Virginia

Government Services Center
201 South 3rd Avenue West
Virginia, MN 55792
(218) 749-7103

Office Use Only

Receipt # _____

Receipt Date _____

Payment Amount _____

Paid By _____



Conditional Use Permit (CUP)

WORKSHEET St. Louis County, Minnesota

About: Conditional use permits are typically required on property where the owner does not reside and/or has employees and customer traffic. A CUP needs additional controls or restrictions to assure that it is in harmony with the neighborhood. They are also required for a variety of other uses.

County Land Explorer: <https://gis.stlouiscountymn.gov/landexplorer/> Property Lookup: <http://apps.stlouiscountymn.gov/auditor/parcelInfo2005Iframe/>

WHAT ARE YOU APPLYING FOR? *Check all that apply to the project.*

- ☒ New business
☐ Expansion of existing business
☐ Replace existing business
☐ Extractive Use-General Purpose Borrow (Gravel) Pit*
*Additional worksheet required. It is not necessary to continue filling out the CUP worksheet form. Please see Extractive Use- General Purpose Borrow (Gravel) Pit Worksheet (attached).

☐ Other

If Other, please explain:

Turning a Single family home into a short term Rental.

ABOUT THE BUSINESS

TYPE OF BUSINESS

How is the property currently being used?

Single family home

What type of business/use is being applied for? (List all uses that will take place)

Short Term/Vacation rental

HOURS OF OPERATION

(Proposed)

Monday through Friday

Saturday

Sunday

Comments

Start:

End:

Start:

End:

Start:

End:

OCCUPANCY INFORMATION

2

Total # of bedrooms on the property

6

Total # of allowed guests

TRAFFIC, PARKING, AND/OR DOCKAGE

☐ Yes

☒ No

Will the proposal generate an increase in traffic? (Boat, snowmobile, truck, bus, car, etc.)

If Yes, estimated increase: ☐ 10 vehicles or less ☐ 11-25 vehicles ☐ Greater than 25 vehicles

☒ Yes

☐ No

Does the proposal require parking? (Please include employees, visitors, and other parking)

6 guests

If Yes, how many parking spaces are available on the property?

6 spaces in Driveway

APPROVAL FROM LOCAL ROAD AUTHORITY REQUIRED

- ☐ Yes (Please attach approval letter)
- ☒ No

SIGNAGE AND LIGHTING

- ☐ Yes ☒ No Does your proposal include signage? (Include any off-site signs)

If Yes, please list number of signs, size, location, and illumination of each sign:

- ☒ Yes ☐ No Will there be lighting (including security lighting) that may be visible from roads, waterways, and adjacent properties?

If Yes, please explain:

outside lighting on the house and garage.

REQUIRED POSTINGS

- ☐ Yes ☒ No Have applicable licenses, rules and regulations and emergency contact information for police, fire, hospital, septic tank pumper, and permittee/owner/operator been posted in a prominent location within the rental unit? (Please attach copies)

If No, please explain: *we just closed on the property so we haven't posted yet.*

- ☐ Yes ☒ No Have Aquatic Invasive Species (AIS) prevention guidelines been posted for watercraft use? (Please attach copy)

If No, please explain: *House doesn't have direct lake access*

TYPE OF PROPOSED STRUCTURES *Check all that apply to the project.*

- ☒ No New Structures

<input type="checkbox"/> New Structure(s)	Structure Type	Foundation Type (Basement, Slab, Pier, etc)	Maximum Length (Exterior Footprint Only)	Maximum Width (Exterior Footprint Only)	Maximum Sq. ft (Exterior footprint only)	Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
	Other					

<input type="checkbox"/> Structure Additions	Structure Type	Foundation Type (Basement, Slab, Pier, etc)	Maximum Length (Exterior Footprint Only)	Maximum Width (Exterior Footprint Only)	Maximum Sq. ft (Exterior footprint only)	Maximum Height (Ground Level to Roof Peak)
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
			Feet	Feet	Sq. ft.	Feet
	Other					

OUTDOOR BUSINESS ACTIVITY *Check all that apply to the project.*

Will there be any outdoor work or storage areas such as: rock piles, assembly sites, tank storage, equipment parking, etc?

☐ Yes ☒ No

If Yes, please explain:

WASTEWATER TREATMENT

Will wastewater will be generated?

☒ Yes ☐ No

If Yes, what type of system will be used to handle wastewater treatment?

☐ Private Septic System☒ Municipal☐ Other, please explain:**SOLID WASTE** *Check all types of waste generated and describe how your will collect and store waste generated from the business below:*☒ Household Garbage☐ Animal Waste☐ Hazardous☐ Radioactive☐ Oil and Grease☐ Chemicals☐ Demolition Waste☐ Other☐ Other Automotive Fluids☐ Medical☐ Wood and Sawdust

If Other, please explain:

Please describe collection and disposal:

weekly garbage service

*Additional information may be required based on the scope of the project.

SCREENING

What type of visual screening will be used:

From Roads

☐ Vegetative ☐ Fence ☐ Other

From Adjacent Properties

☐ Vegetative ☒ Fence ☐ Other

From Lakeshore (if applicable)

☐ Vegetative ☐ Fence ☐ Other

Please Describe:

STORMWATER MANAGEMENT☐ Yes☒ No

Will there be more than one (1) acre of altered surface?

☐ Yes☐ No

If Yes, do you have an MPCA NPDES permit? (Please attach permit)

AUTHORIZING AGENCIES

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Have you received a Lodging License from the Minnesota Department of Health for this Short Term Rental? (Please attach copy) If No, your application will be returned.
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Have you received a Minnesota Tax Identification Number from the Minnesota Department of Revenue for this Short Term Rental? (Please attach copy) If No, your application will be returned. 47-22 50060

ADDITIONAL REQUIRED INFORMATION & ATTACHMENTS

1. Electronic Map or Sketch:
Boundary lines with parcel dimensions.
Existing Buildings. (see site sketch form for required information)
2. Documents:
Copy of a septic permit to construct or certificate of compliance approval or municipal/sanitary district approval.
Copy of current Minnesota Department of Health Lodging License and other applicable licenses.
Minnesota tax identification number and other applicable identification numbers.
Proof of appropriate liability insurance.
On-site parking plan.
Current contact information for person(s) responsible for property management.
Photo documentation of visual demarcation of the property lines.
Evidence of ownership.
Other information as deemed necessary by the Director.

CONTACT: Planning and Community Development Department**Technical Assistance**

Toll Free: 1-800-450-9777

Land Use Information

www.stlouiscountymn.gov/landuse**Duluth**Government Services Center
320 West 2nd Street, Suite 301
Duluth, MN 55802
(218) 725-5000**Virginia**Government Services Center
201 South 3rd Avenue West
Virginia, MN 55792
(218) 749-7103**Office Use Only**

Receipt # _____

Receipt Date _____

Payment Amount _____

Paid By _____

Site Sketch Form

The sketch is to graphically illustrate your proposed project(s)

Draw and Label on Sketch (in feet)

- ☐ *All Structures on the Property and Dimensions
- ☐ *All Driveways, Access Roads, and Wetlands
- ☐ *All Proposed Structures and Dimensions

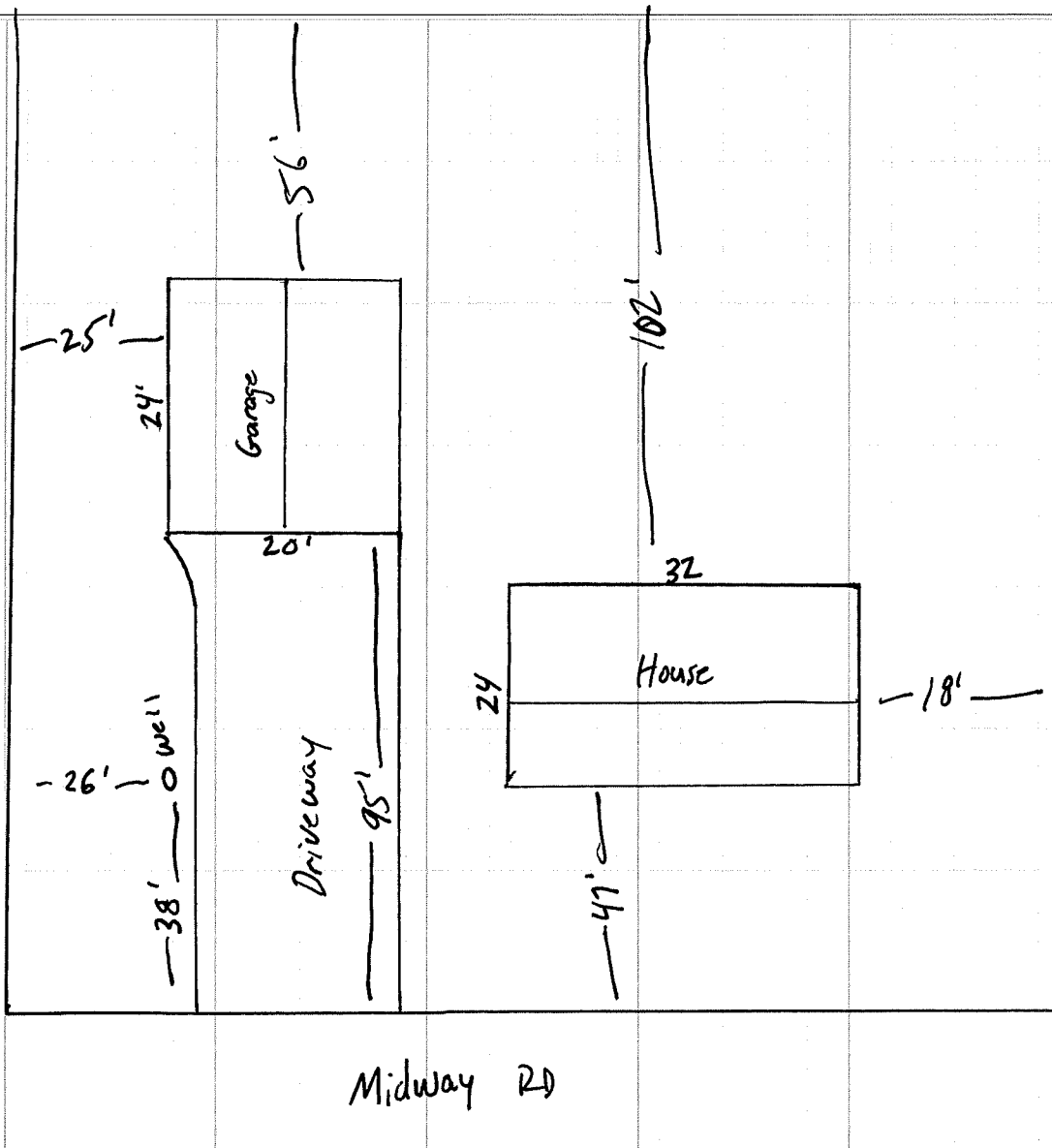
- ☐ *Distance of Proposed Structures to Shoreline (Closest Point)
- ☐ *Distance of Proposed Structures to Septic System and Tank
- ☐ *Distance of Proposed Structures to Property Lines
- ☐ *Distance of Proposed Structures to Road Centerline and Right-of Ways

You may submit your own site sketch **IF** it has the required information indicated above.

*Applicant Name:

*Site Address:

*PIN:



Sanitary Authority Use Only

Sanitary Review: (To be determined by appropriate sanitary authority.)

Will the proposal, as shown above, negatively impact the SSTS/sanitary line or replacement area? ☐ Yes ☒ No

Sign off:

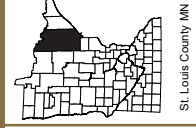
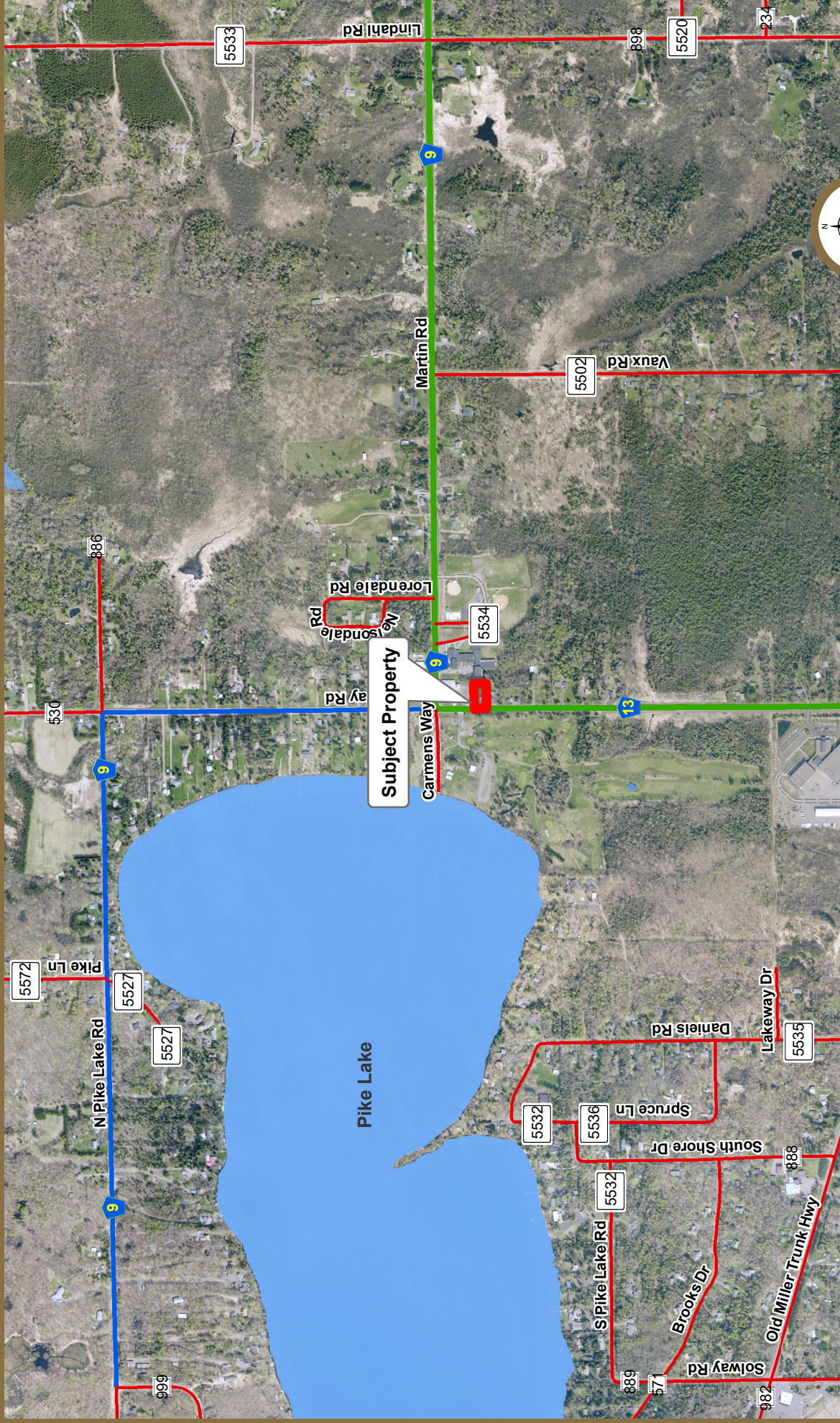
Signature _____

Title _____



St. Louis County

July PC Meeting



0 500 1,000
Feet

North Shore Properties / Bruckelmyer

Location Map

PIN: 280-0030-00502



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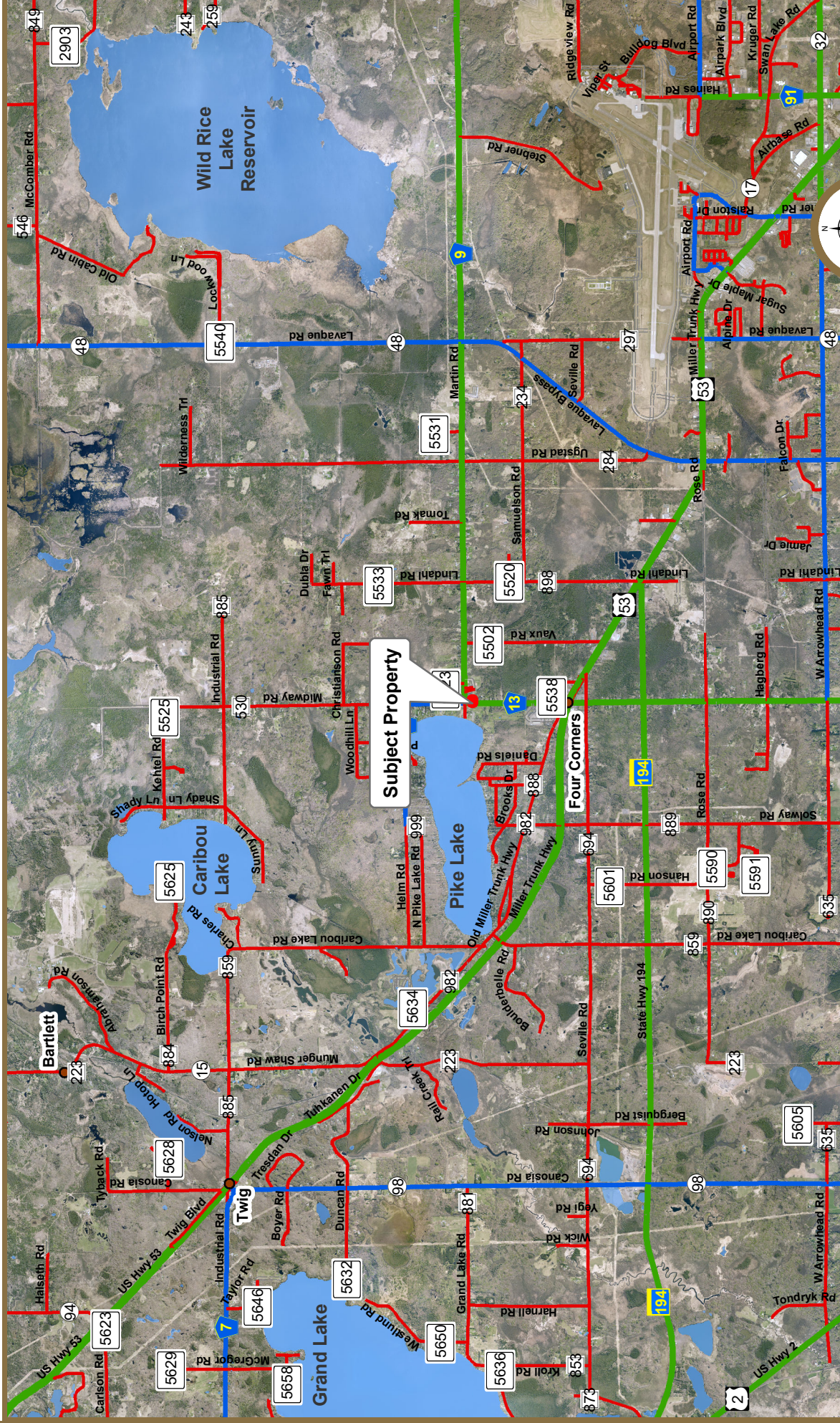
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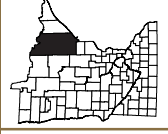
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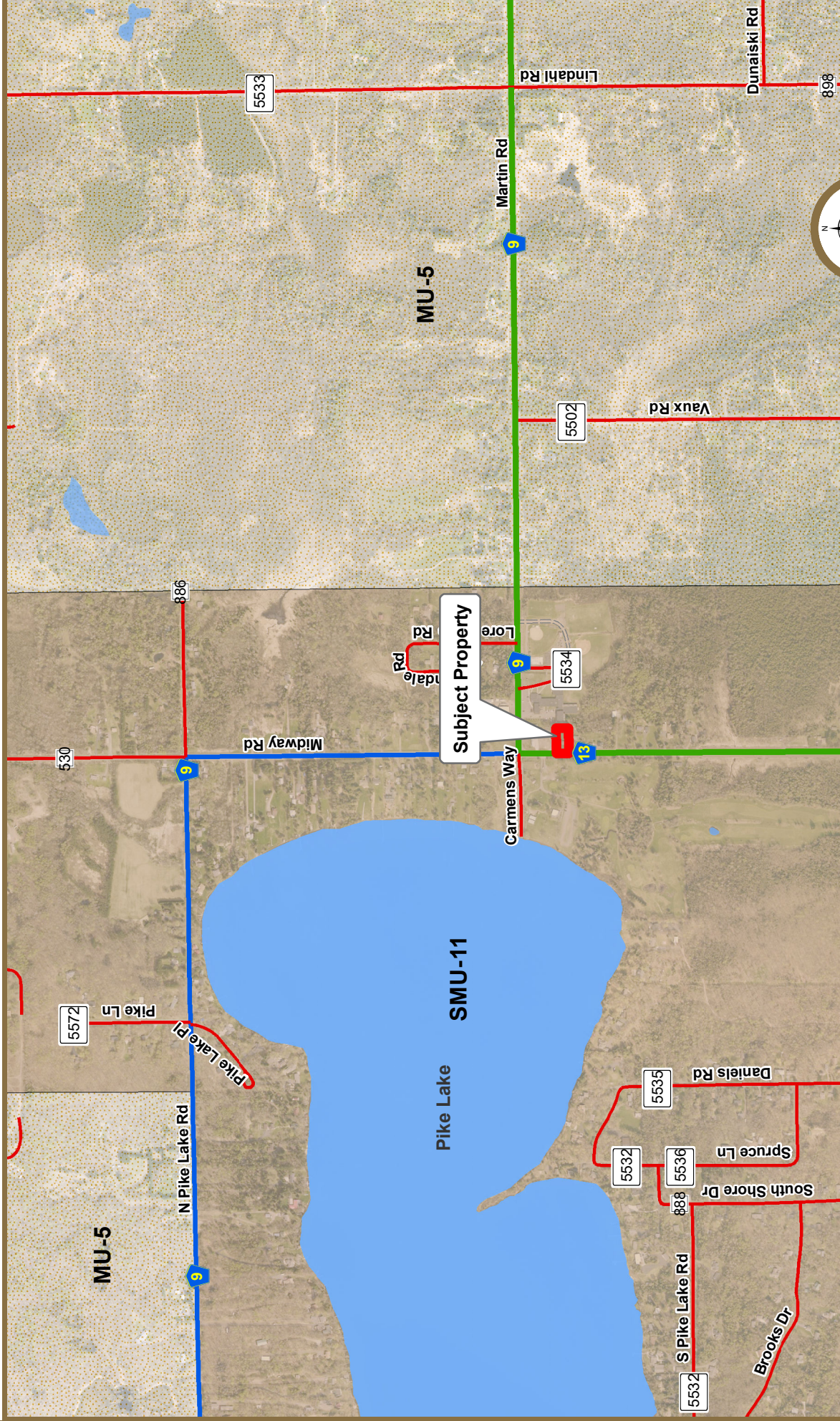
St. Louis County, MN





St. Louis County

July PC Meeting



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North Shore Properties / Bruckelmyer

Zoning Map



PIN: 280-0030-00502

0 500 1,000 Feet

St. Louis County MN


St. Louis County





St. Louis County MO

Site Map



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Source: **St. Louis County**

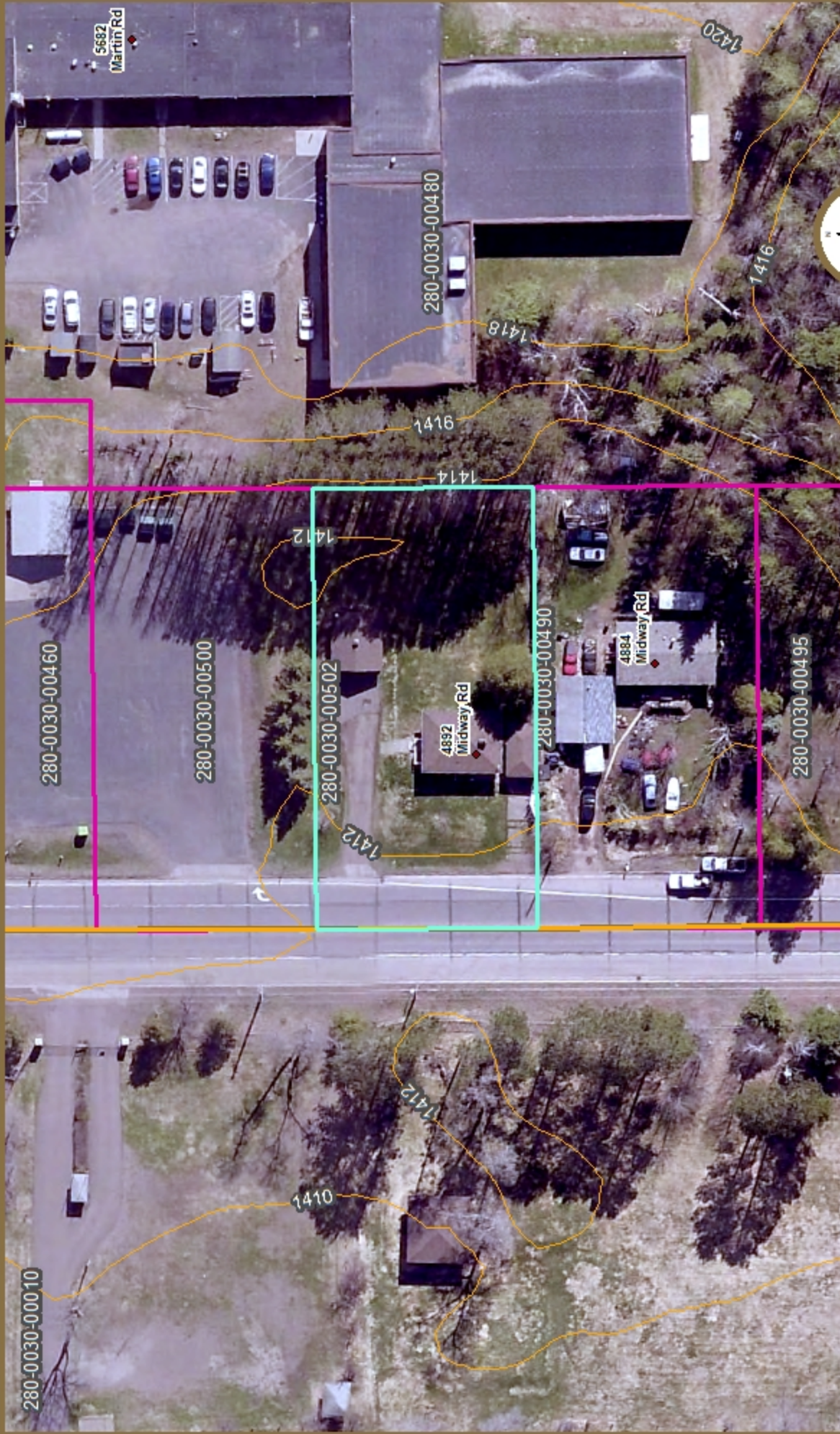
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Site Map


St. Louis County MN

0 25 50 75
Feet



